

THE HONORABLE JAMES L ROBART

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

STACY PENNING, SUNGGIL HONG, LAURA  
BONETTI, JONATHAN FINESTONE,  
TANISHA DANTIGNAC, and ROBERT  
MASON, individually and on behalf of all others  
similarly situated,

Plaintiffs,

v.

MICROSOFT CORPORATION,

Defendant.

Case No. 2:25-cv-00570-JLR

JOINT RESPONSE TO ORDER TO  
SHOW CAUSE AND STIPULATED  
MOTION AND ~~[PROPOSED]~~ ORDER  
TO STAY PENDING RELATED  
APPEAL

1 Plaintiffs Stacy Penning, Sunggil Hong, Laura Bonetti, Jonathan Finestone, Tanisha  
 2 Dantignac, And Robert Mason (“Plaintiffs”) and Defendant, Microsoft Corporation (collectively,  
 3 “the Parties”), by and through their undersigned counsel, hereby jointly respond to the Court’s  
 4 order to show cause why the Court should not stay the above-captioned matter pending the  
 5 issuance of a mandate in *Popa v. PSP Grp. LLC*, No. 24-14 (9th Cir. Jan. 16, 2025) (“the *Popa*  
 6 Action”). See Dkt. 16. The Parties have conferred and agree that the Court should enter an order  
 7 staying this case for all purposes until final resolution of the appeal in the *Popa* Action, as set forth  
 8 below.

9 1. On June 23, 2025, Defendant Microsoft Corporation filed a Motion to Dismiss  
 10 Plaintiffs’ Complaint asserting that Plaintiffs lack Article III standing and that they have failed to  
 11 state a claim under Rule 12(b)(6). Dkt. 14.

12 2. On June 24, 2025, the Court issued an order for the Parties to show cause why the  
 13 Court should not stay the case pending the issuance of a mandate in the *Popa* Action, noting that  
 14 “it is the view of the court that a stay of this action pending the resolution of the *Popa* appeal will  
 15 further the interests of judicial economy and minimize the risk of inconsistent rulings.” Dkt. 16.

16 3. Given the Article III arguments raised in Microsoft’s Motion to Dismiss, the Parties  
 17 agree that this case should be stayed for all purposes until final resolution of the appeal in the *Popa*  
 18 Action.<sup>1</sup>

19 THEREFORE, the parties respectfully request that the Court enter the attached proposed  
 20 order stating the following:

21 1. This case shall be stayed for all purposes until final resolution of the appeal in the  
 22 *Popa* Action, including any rehearing, certiorari, or further appeals.

23  
 24  
 25 <sup>1</sup> Plaintiffs do not believe the arguments in Microsoft’s Motion to Dismiss have merit and it is  
 26 Plaintiffs’ position that they have plausibly stated their claims and have alleged Article III  
 standing. However, Plaintiffs agree that the resolution of the *Popa* appeal is likely to further the  
 interests of judicial economy and clarify legal issues raised in Microsoft’s Motion, thus warranting  
 a stay.

2. The Parties shall file a joint status report within thirty (30) days of final resolution of the appeal in the *Popa* Action indicating the Parties' position(s) on scheduling and how the case should proceed.

Respectfully submitted this 30th day of June, 2025.

/s/ Nicola Menaldo

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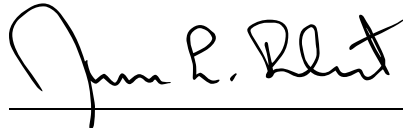
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1 IT IS SO ORDERED.

2 The Clerk is DIRECTED to remove Microsoft's Motion to Dismiss (Dkt. # 14) from the court's  
3 motions calendar.

4  
5 DATED THIS 3rd day of July, 2025.

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8 HONORABLE JAMES L. ROBART  
9 UNITED STATES DISTRICT JUDGE

10 Presented by:

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JOINT RESPONSE TO ORDER TO SHOW  
CAUSE AND MOTION TO STAY  
(No. 2:25-cv-00570-JLR)

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